

REMARKS/ARGUMENTS

Claims 1 to 64 remain in this application. Claim 2 has been rewritten in independent form including the limitation of claim 1, except the reference to ANSI/HPVA HP-1-2000. Claim 19 has been amended to improve definiteness. Claims 60 and 62 have been amended in view of Hudson U.S. Patent No. 5,968,625. New claim 64 has been added and is of scope similar to claim 19, but dependent on claim 2.

Claims 1 to 46 and 48 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Independent claim 1 and claim 47, which is dependent on claim 46, refer to veneer grades, i.e. face grades of various woods, as defined in ANSI/HPVA-1-2000. The Examiner takes the position that ANSI/HPVA-1-2000 is a standard and that the actual procedure is not described in the specification.

Attorney for Applicants respectfully traverses this rejection. Firstly, numerous patents have issued with reference to ANSI, as well as ASTM, standards in the claims without describing the test procedure in the specification. For example, see Edwards et al. U.S. Patent No. 6,358,588, wherein claim 5 requires “a printed quality grade of ‘C’, ‘B’ or ‘A’ according to The American National Standards Institute (ANSI) Barcode Print Quality Guideline (ANSX3.182-1990)”.

Secondly, as set forth in MPEP section 2163.II.A:

“The examiner has the initial burden ... of presenting evidence or reasons why a person skilled in the art would not recognize that the written description of the invention provides support for the claims. There is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed Consequently, rejection of an original claim for lack of written description should be rare.”

(Citations omitted.) In section 2163.II.2.A., the MPEP continues:

“Information which is well known in the art need not be described in detail in the specification.”

And in section 2163.II.A.3(a):

“An adequate written description of the invention may be shown by any description of sufficient, relevant, identifying characteristics so long as a person skilled in the art would recognize that the inventor had possession of the claimed invention.

....
“An applicant may also show that an invention is complete by disclosure of sufficiently detailed, relevant identifying characteristics which provide evidence that applicant was in possession of the claimed invention.

....
“What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail.”

And finally in section 2163.II.3(a)(i):

“Whether the specification shows that applicant was in possession of the claimed invention is not a single, simple determination, but rather is a factual determination reached by considering a number of factors [including] knowledge in the art Patents and printed publications in the art should be relied upon to determine whether an art is mature and what the level of knowledge and skill is in the art.”

The ANSI standard ANSI/HPVA HP-1-2000, which is referred to in the claims and specification is a printed publication, which evidences that one of skill in the art, at the time the application was filled, knew what veneer grade C was and the procedure how to determine whether a ply had better than a veneer grade C or no more than a veneer grade C. As stated in section 1.1 of ANSI/HPVA HP-1-2000:

“The purpose of this Standard is to establish nationally recognized quality criteria for the principal types, grade, and sizes of hardwood and decorative plywood. ... The Standard is intended to provide producers, distributors, architects, contractors, builders, and users with a common basis for understanding the characteristics of these products.”

Therefore, the relevant identifying characteristics of the claimed plies are adequately disclosed and need not be described in detail in the specification.

Attorney for Applicants finds it interesting that the present circumstance of referring to a published standard and procedure is not one of the circumstances listed in section 2163.03 of the MPEP, entitled "Typical Circumstances Where Adequate Written Description Issue Arises." This reinforces the position of Attorney for Applicants that since, as set forth in the MPEP section quoted above, "rejection of an original claim for lack of written description should be rare" and the present circumstance is not typical, it does not raise an issue with respect to the written description requirement.

In accordance with MPEP section 2163.04,

"[i]n rejecting a claim, the examiner must set forth express findings of fact which support the lack of written description conclusion These findings should: ... (B) Establish a *prima facie* case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed."

The Examiner's finding that "ANSI/HPVA-1-2000 is a standard and [the] actual procedure is not describe[d, sic] in the specification" does not establish a *prima facie* case that the inventor was not in possession of the invention as claimed. As set forth in MPEP section 2163.02,

"to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed.

"Possession may be shown ... by describing distinguishing identifying characteristics sufficient to show that the applicant was in possession of the claimed invention."

(Citations omitted.) The identifying characteristics of the claimed invention are set forth in the referenced ANSI/HPVA publication, which was known to those skilled in the art.

Further, the standard is definite. While the ANSI standard may be revised, the claim specifies the ANSI/HPVA standard that was published in 2000.

In summary, the Examiner's rejection of claims 1 to 46 and 48 under 35 U.S.C. 112, first paragraph, has been rebutted and the rejection should be withdrawn.

In view of the Examiner's rejection of claim 1 because it includes a reference to ANSI/HPVA HP-1-2000, claim 2 has been rewritten in independent form, without reference to ANSI/HPVA HP-1-2000, and claim 64, which is dependent on claim 2, has been added. The language of allowed claim 47 regarding the plurality of higher quality plies and plurality of lower quality plies has been included in claim 2. Attorney for Applicants notes the Examiner's statement near the bottom of page 2 of the Office Action, mailed March 23, 2005, that all of the claims appear to be allowable over the prior art.

Claims 60 and 62 have been amended to require the edge configuration, when mated with the edge configuration of a second plywood laminate, to form a click-lock connection. Support for this amendment is found in paragraphs [0017] to [0020]. These paragraphs disclose that click-lock configurations were not previously used on plywood laminates, because they lack sufficient strength and stability. The present invention has permitted the formation of click-lock profiles in plywood laminates.

Attorney for Applicants submits that all the claims are in a condition for allowance. Therefore, early consideration and allowance are respectfully requested.

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Respectfully submitted,

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